Remarks

Claims 6, 55, and 56 have been amended to more precisely claim the present invention and now specify that the mounting pin is generally cylindrical. Claims 1 – 5, 32 – 54, and 57 – 61 have been canceled as being drawing to non-elected species. Claims 6 – 31, 55 and 56 remain pending in the application.

The Applicant gratefully acknowledges the Examiner's indication that claim 28 would be allowable if rewritten into independent form.

Examiner Interview

The Applicant thanks the Examiner for the interview on June 7, 2006 where claim amendments to overcome the prior art rejection were discussed.

Double Patenting Rejection

Claims 6 – 31, 55 and 56 were rejected on the grounds of nonstatutory obvioiusness-type double patenting over claims in U.S. Patent No. 6,634,505. A signed terminal disclaimer is included along with this response to overcome this rejection.

35 U.S.C. §102

The Examiner rejected claims 6-8, 10-16, 18, 21, 23-31 and 55-56 under 35 U.S.C. 102(b) as being anticipated by Lehmann et al EP 167999 A2 (hereinafter "Lehmann"). The Applicant previously provided an English language translation of portions of the Lehmann reference. As described on the first page of this translation, Lehmann generally describes a sieve bed system with sieve elements 2 with receptacles 8 that interconnect with plastic profile sections 6. The plastic profile sections extend over the entire length of the long side of the sieve elements 2. The Examiner stated that the translation of Lehmann suggests that this profile section could be replaced by a peg. However, upon careful reading of this translated text, no description of the shape of this alternative embodiment pin or bolt forming post is given nor is such alternative embodiment depicted in any of the figures by Lehmann.

In contrast, the present invention as presently claimed in independent claims 6, 55 and 56 includes further includes generally cylindrical mounting pins not taught by Lehmann.

In particular, Lehmann does not teach the use of generally cylindrical mounting pins, but rather relies on plastic profile sections or strip that extend over the entire length of the sieve elements. These long sections block significant portions of the sieve element surface such that less area is available for sifting than sieve elements configured with the presently claimed mounting pins spaced along a sieve element edge. This use of pins and conservation of sifting area is shown in the present patent application FIG. 3 and described in detail in paragraph [0073] of the present patent application specification. In short, Lehmann does not teach the use of generally cylindrical mounting pins as specified in independent claims 6, 55, and 56. Claims 7-8, 10-16, 18, 21, and 23-31 depend from claim 6 and therefore are allowable over Lehmann for the same reasons that claim 6 is allowable.

Therefore, under 35 U.S.C. 102(b), Lehmann fails to teach the present invention as claimed in claims 6-8, 10-16, 18, 21, 23-31 and 55-56 and withdrawal of this rejection is respectfully requested.

The Examiner rejected claims 6, 7, 9-13, 15, 18, 21, 23-27, 29-31 and 55-56 under 35 U.S.C. 102(b) as being anticipated by Schmidt et al US 4,871,288 (hereinafter "Schmidt"). The Schmidt reference generally describes a screen lining with screen elements 1 with grove-shaped longitudinal recesses 3 along lateral end faces 2 that engage plastic sections 5. The plastic sections 5 extend parallel to the metal sections 6 of a substructure.

In contrast, the present invention as presently claimed in independent claims 6, 55 and 56 has generally cylindrical mounting pins that may be spaced along the sieve elements. In particular, like Lehmann, Schmidt does not teach the use of generally cylindrical mounting pins, but rather relies on plastic sections that extend over the entire length of the screen elements. These long sections block significant portions of the screen element surface such that less area is available for sifting than screen elements configured with the presently claimed mounting pins spaced along a screen element edge. This use of pins and conservation of sifting area is shown in the present patent application FIG. 3 and described in detail in paragraph [0073] of the present patent

application specification. In short, Schmidt does not teach the use of generally cylindrical mounting pins as specified in independent claims 6, 55, and 56. Claims 7, 9-13, 15, 18, 21, 23-27, and 29-31 depend from claim 6 and therefore are allowable over Schmidt for the same reasons that claim 6 is allowable.

Therefore, under 35 U.S.C. 102(b), Schmidt fails to teach the present invention as claimed in claims 6, 7, 9-13, 15, 18, 21, 23-27, 29-31 and 55-56 and withdrawal of this rejection is respectfully requested.

35 U.S.C. §103

Claims 17, 19-20 and 22 were rejected under 35 USC §103(a) as being unpatentable over Lehmann or Schmidt in view of what is well known in the art (hereinafter "Official Notice"). Applicant respectfully suggests that the Examiner has failed to establish a *prima facie* case of obviousness for two reasons. First, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference, or to combine the reference teachings. Secondly, the cited references, when combined, fail to teach or suggest all the claim limitations. The necessary teaching or suggestion to make the claim combination and the reasonable expectation of success is not both found in the cited references. Lehmann, Schmidt and Official Notice when considered individually or together in combination, fail to suggest or teach all of the elements of the presently pending claims. Applicant respectfully suggests that neither Lehmann, Schmidt, nor Official Notice teach generally cylindrical mounting pins as claimed in independent claim 6. For the reasons previously stated above, Lehmann and Schmidt merely teaches the use of plastic sections that extend along the length of a sieve element rather than the presently claimed generally cylindrical mounting pins. Claims 17, 19-20 and 22 depend from claim 6 and therefore are allowable over the Lehmann or Schmidt references and Official Notice for the same reasons that claim 6 is allowable.

Therefore, under 35 USC §103(a) Lehmann or Schmidt and Official Notice fail to teach the present invention as claimed in claims 17, 19-20 and 22 and withdrawal of this rejection is respectfully requested.

Conclusion

On the basis of the foregoing, Applicant respectfully submits that claims 6 – 31, 55 and 56 are now believed to be in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Durex Products, Inc.
By its agents:

NORTH OAKS PATENT AGENCY
45 Island Road
North Oaks, Minnesota 55127
(612) 850-1688

Date: 3 August 2006 By _____
Shawn B. Dempster, Registration No. 34,321

C:\NOPA\CLIENTS\DUREX D5\047-06-US - SIEVE BED FOR A SIFTING MACHINE (CONTINUATION)\060803 RESPONSE TO FINAL OFFICE ACTION.DOC